



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,419	04/15/2004	Takaaki Shimada	2038-324	6476

22429 7590 05/09/2007
LOWE HAUPTMAN BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
----------	--------------

3761

MAIL DATE	DELIVERY MODE
-----------	---------------

05/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,419

Applicant(s)

SHIMADA ET AL.

Examiner

C. Lynne Anderson

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 13-15 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 6 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/19/06, 12/11/06.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 October 2006 has been entered.

Response to Arguments

Applicant's arguments filed 19 October 2006 have been fully considered but they are not persuasive.

In response to the applicant's argument that the folding guide lines of Nystrand are not folding inward, it is noted that the first and second folding guide lines are folded toward the center of the article such that the fold lines are inward of the side edges of the article, as shown in figure 2, and therefore the folding guide lines are folded inward.

With respect to claims 12 and 13, the amendment to claim 12 has overcome the disclosure of Nystrand. However, the front region of Nystrand extending from first folding guide lines to the front end edge of the article is unfolded, as shown in figure 1, so the rejection to claim 13 stands.

With respect to claim 19, the applicant's argument has been considered, but is moot in view of the new rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 7-11, 13-15, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nystrand (3,924,627).

With respect to claims 1 and 11, Nystrand discloses an absorbent article comprising a front waist region, a rear waist region, a crotch region, and a body fluid absorbent assembly, as shown in figures 1 and 2. In the crotch region, a pair of first folding guide lines 14 and 16 extend from two points on crossline 12 and are inclined toward the first waist region at a crossing angle α . A pair of second folding guide lines 17 and 19 extend from the two points on the crossline 12 and are inclined toward the second waist region at a crossing angle β . A pair of folded portions are formed by folding along the guide lines, and first and second non-folded portions extend from the folding guide lines to the waist regions, as shown in figure 2. Since first folding guide lines are inclined towards the front waist region and the second toward the rear, the first non-folded portion has a smaller extent than the second non-folded portion. The first and second folding guide lines are folded toward the center of the article such that the fold lines are inward of the side edges of the article, as shown in figure 2, and therefore the folding guide lines are folded inward.

With respect to claim 2, crossing angle α is larger than crossing angle β , as shown in figure 1.

With respect to claim 4, crossing angle α is between 35 and 60 degrees, and crossing angle β is between 10 and 30 degrees, as disclosed in column 1, line 61, and column 2, line 5.

With respect to claim 7, the absorbent assembly is folded along the crossing line 12, as shown in figure 2.

With respect to claims 8, 14, and 18, a pair of third folding guide lines 18 and 20 are located between the first and second folding guide lines, as shown in figure 1.

With respect to claim 9, the guide lines are oblique to the crossing line, as shown in figure 1.

With respect to claims 10 and 15, the first and third folding guide lines extend toward the front waist region from two points, and the second folding guide lines extend towards the rear waist region from two points, as shown in figure 1.

With respect to claim 13, the front unfolded zone extends from the first folding guide lines 14 and 16 to the front end edge, and is unfolded in its entirety, as shown in figure 1.

With respect to claim 16, the middle zone can be defined as the area between the first folding guide lines 14 and 16, and the second folding guide lines 17 and 19, and therefore the middle zone is closer to the front end edge than the rear, as shown in figure 1.

With respect to claim 17, the absorbent assembly is further folded along a transverse folding guide line 12, as shown in figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nystrand (3,924,627) in view of Marsan (3,744,494).

Nystrand discloses all aspects of the claimed invention with the exception of the transverse folding guide line being closer to the front end edge than the rear end edge.

Marsan teaches placement of a transverse folding line closer to the front waist region than the rear waist region of an absorbent article, as shown in figure 1. This provides the article with a better fit for an infant, as disclosed in column 4, lines 18-25.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to place the transverse folding guide line towards the front region of the article of Nystrand, as taught by Marsan, in order to provide the article with a better fit.

With respect to claim 20, placement of the transverse folding line closer to the front waist region of the article will cause the inner end of the first and second folding lines, which are located at the transverse folding line, to be closer to the front end edge of the article.

With respect to claim 21, the article further comprises third folding guide lines 18 and 20, which when folded are inward of the side edges of the article.

Allowable Subject Matter

Claims 6, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to disclose the second non-folded portion extending from the second folding guide lines to the rear end edge of the article, the second non-folded portion being unfolded in its entirety. The closest prior art of record, U.S. Patent 3,924,627 to Nystrand, has folding guide lines 13 and 15 which fall within the second zone extending from the second folding guide lines 17 and 19 to the rear end edge, and therefore the second zone of Nystrand is not an unfolded zone.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

UNA

cla

January 5, 2007

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

